IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.924/99

Tara Chand & Ors.

Versus

State & Anr.

DATE OF ORDER :: 26/09/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Rinesh Gupta for Mr. A.K. Gupta, for petitioners (accused)
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed assailing the order dated 4th May, 1999 whereby learned trial Judge took cognizance against accused-petitioners for offence u/ss.148, 323, 324 & 392 IPC – against which revision petition was preferred which was dismissed vide order dated 10th September, 1999.

A written report was filed by complainant-non-petitioner against accused-petitioners on 21st February, 1998 in which it was alleged that Bittu S/o Shri Tara Chand was working with him and few days back he was removed from service – on account of which accused-petitioners came on 21st February, 1998 about 7.00 PM while he was sitting on his shop and they started beating – on account of which he sustained injuries. The Police after investigation submitted FR. After notice was

served, he submitted protest petition. But, it appears that statements u/ss.200 & 202 Cr.P.C. were not recorded. Learned trial Judge after taking into consideration the statements of complainant and so also of eye-witnesses and medical report of injured complainant, took cognizance against accused-petitioners vide order dated 4th May, 1999. Learned Court of Revision also examined the same in detail and observed that even submitting FR after investigation u/s.173(2) Cr.P.C., learned Magistrate is competent to take cognizance u/s.190(1)(b) of the Code, even if statements u/ss.200 & 202 Cr.P.C. were not recorded.

This Court has gone through the order impugned and finds that there was sufficient material available, particularly the medical report of injured complainant and so also the statements recorded during investigation and does not find any error in taking cognizance against accused-petitioners, which has been examined in detail by Court of Revision as well.

Consequently, the misc. petition fails and is hereby dismissed. Record be sent back to trial court forthwith.

[AJAY RASTOGI],J.